

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**JOHNNIE FLOURNOY,  
#B61625,**

**Plaintiff,**

**v.**

**WEXFORD HEALTH SOURCE, INC., *et*  
*al.*,**

**Defendants.**

**Case No. 20-cv-01357-SPM**

**MEMORANDUM AND ORDER**

**MCGLYNN, District Judge:**

This matter is before the Court on a motion for reconsideration (Doc. 27) filed by Plaintiff Flournoy. He asks the Court to reconsider the merit review order (Doc. 11). In the motion, Flournoy argues that the Court should not have dismissed Defendants Brookhart, Cunningham, and Elliot from the case.

Under Rule 54(b), the Court may revise any order adjudicating fewer than all the claims at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties. Motions to reconsider an order under Rule 54(b) are judged largely by the same standards as motions to alter or amend a judgment under Rule 59(e), “to correct manifest errors of law or fact or to present newly discovered evidence.” *Rothwell Cotton Co. v. Rosenthal & Co.*, 827 F.2d 246, 251 (7th Cir. 1987) (citation omitted). “Reconsideration is not an appropriate forum for rehashing previously rejected arguments or arguing matters that could have been heard during the pendency of the previous motion.” *Caisse Nationale de Credit Agricole v. CBI Indus., Inc.*, 90 F.3d 1264, 1270 (7th Cir. 1996). *See also Ahmed v. Ashcroft*, 388 F. 3d 247, 249 (7th Cir. 2004).

The Court has not made an error of law or fact warranting reconsideration of the dismissal

of Defendants Brookhart, Cunningham, or Elliot. Flournoy does not point to facts alleged in the First Amendment Complaint showing he adequately pled claims against these Defendants. Instead, he states that he thought that he had demonstrated personal involvement on the part of Brookhart, Cunningham, and Elliot and proceeds to elaborate on his claims and add allegations to the First Amended Complaint. He also includes over 80 pages of exhibits. The Court will not reconsider the merit review order based on additional evidence and factual assertions outside of the operative complaint. Additionally, Flournoy cannot use a motion to reconsider to add to or amend the First Amended Complaint. For these reasons, the motion for reconsideration is **DENIED**. (Doc. 27).

Flournoy has also filed a response to Defendant Wexford's answer to the First Amended Complaint. (Doc. 28). The response is **STRICKEN**. Federal Rule of Civil Procedure 7(a) does not permit a response to an answer absent a Court order. No such order has been entered and no such response is required.

**IT IS SO ORDERED.**

**DATED: May 20, 2022**

*s/Stephen P. McGlynn*  
**STEPHEN P. MCGLYNN**  
**United States District Judge**